

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	Hon. Stanley R. Chesler
	:	
v.	:	Crim. No. 09-237
	:	
STEPHEN A. FAVATO	:	<u>CONTINUANCE, COMPLEX CASE,</u>
	:	<u>AND SCHEDULING ORDER</u>

This matter having been opened to the Court on April 27, 2009 on the motion of Defendant Stephen A. Favato, by his counsel, Edward J. Byrne, Esq., for an order declaring this case to be complex pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii); and the Court having considered the arguments of counsel; and the defendant being aware that absent such a finding he would have a right to be tried within seventy days of his first appearance in this district in connection with this case, pursuant to 18 U.S.C. § 3161(c)(1); and the charges being the result of a lengthy investigation, and the defendant and his counsel needing sufficient time to review discovery, and to investigate the charges and file motions in this case; and the defendant needing sufficient time to review voluminous documents; and John A. DiCicco, Acting Assistant Attorney General, U.S. Department of Justice, Tax Division (Trial Attorneys Patrick J. Murray and Daren H. Firestone, appearing) having concurred in the assertion that this case is complex as defined in the statute; and the Court having found at the arraignment on April 27, 2009 that an order granting a continuance of the proceedings in the above-captioned case should be entered, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The Indictment in this case involves allegations of violations that occurred over a period of four years.
2. The documents and recordings in this case are voluminous; numerous documents and recordings were obtained during the course of the investigation. The discovery in this case includes multiple recordings of conversations between the defendant and a confidential informant, extensive tax and audit files from the defendant's accounting firm, and bank records from several bank accounts.
3. The defendant and his counsel need time to review and analyze discovery in this case before the filing of pretrial motions and the defendant specifically requested additional time at the arraignment.
4. In light of these findings and given the nature of the case and its complexity, it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established under the Speedy Trial Act.
5. The grant of a continuance will enable the defendant to adequately review the discovery, prepare motions, and proceed with trial.
6. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice are served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.
7. At his arraignment on April 27, 2009, the defendant through his counsel moved for a continuance pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).

8. On the same date, the Court orally granted this motion and ordered the parties to submit a joint schedule setting forth a proposed schedule.

WHEREFORE, it is on this ____ day of June 2009

ORDERED that this matter is hereby designated a complex case;

IT IS FURTHER ORDERED THAT the proceedings in the above-captioned case are continued from and including April 27, 2009 (the date upon which this motion was orally granted), to and including December 1, 2009;


IT IS FURTHER ORDERED that the period from and including April 27, 2009, to and including December 1, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974;

IT IS FURTHER ORDERED that defendant shall file motions no later than **October 23, 2009;**

IT IS FURTHER ORDERED that the United States shall file its opposition to the defendant's motions no later than **November 2, 2009;**

IT IS FURTHER ORDERED that the motions are returnable and a hearing will be held on or about **November 16, 2009 at 10 a.m.;** and

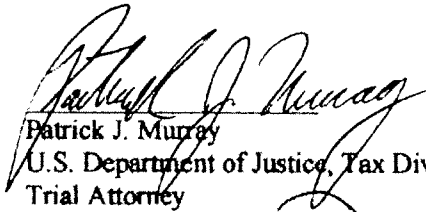
IT IS FURTHER ORDERED that jury selection and trial will commence on **December 1, 2009,** or on a date thereafter determined by the Court.



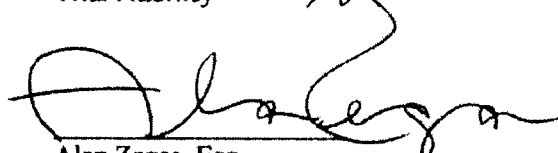
HON. STANLEY R. CHESLER
United States District Judge

6/10/09

By their signatures below, counsel for the parties indicate their agreement to the above proposed order.


Patrick J. Murray
U.S. Department of Justice, Tax Division
Trial Attorney

Date: June 9, 2009


Alan Zegas, Esq.
Attorney for Defendant, Stephen A. Favato

Date: June 9, 2009